

Transportation Committee

Meeting date: May 13, 2019

For the Metropolitan Council meeting of May 22, 2019

Subject: Bus Rapid Transit (METRO Gold Line) Rights of Entry, Resolution 2019-6

District(s), Member(s): District 11 (Vento), District 12 (Gonzalez), District 13 (Lee)

Policy/Legal Reference: Minnesota Statutes sections 117.041 and 473.129

Staff Prepared/Presented: Wes Kooistra, General Manager (612-349-7510)

Charles Carlson, Director BRT Projects (612-349-7639)

Christine Beckwith, Sr. Project Manager, Gold Line (651-602-1994)

Chelsa Johnson, Environmental Lead, Gold Line (651-602-1997)

Division/Department: Metro Transit BRT Projects

Proposed Action

That the Metropolitan Council adopt Resolution 2019-6 that authorizes access to property for survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations in accordance with Minnesota Statutes Chapters 473 and 117.

Background

The METRO Gold Line project is currently in FTA New Starts Project Development. During this phase, staff and consultants require access to certain properties along the proposed alignment to conduct survey activities and to complete environmental testing and geotechnical and archeological investigations. This work is required to determine the physical characteristics of parcels expected to be required for project construction.

Project staff continue efforts to obtain necessary rights-of-entry from property owners on a voluntary basis, but in some cases the Council may need to pursue court orders to complete these activities, as allowed by Minnesota statutes. The requested resolution delegates authority to the project director to seek entry to perform required activities in these cases.

Rationale

Entry onto properties is necessary and proper to complete project design activities. The proposed resolution delegates authority to the project director to seek entry through processes prescribed by law.

Thrive Lens Analysis

The METRO Gold Line Project supports Thrive outcomes including livability, prosperity, and equity with its investment in high-quality transportation that will make the region more economically competitive by supporting major job creators and increasing workers' access to employment hubs.

Funding

No specific cost to delegate Council authority. Project activities are funded by state and local project partner funds within project 61402 in the Council's Authorized Capital Program.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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RESOLUTION NO. 2019-6 RESOLUTION AUTHORIZING ACCESS TO PROPERTIES METRO TRANSIT GOLD LINE PROJECT

WHEREAS, the Council requires access to properties along the Gold Line Project for purposes of conducting survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations; and

WHEREAS, under Minnesota Statutes section 473.129, subdivision 9, when necessary and proper to the performance of its duties, the Council is authorized to enter any premises for the purpose of making any reasonably necessary or proper investigations or examinations; and

WHEREAS, Minnesota Statutes section 117.041 authorizes the Council before eminent domain proceedings to enter property for the purpose of making surveys and examinations, environmental testing, and geotechnical investigations.

NOW, THEREFORE, BE IT RESOLVED:

1. That access to properties along the Gold Line are necessary to conduct surveys, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations; and
2. That the Council authorizes the Gold Line Project Office to proceed with entry onto properties in accordance with Minnesota Statutes Chapters 473 and 117 in those circumstances where the project director determines it is necessary to access specifically identified properties for the development of the project; and
3. That if entry is denied, notification and entry will be in accordance with Minnesota Statutes Chapters 473 and 117, as applicable.

Adopted this 22nd day of May 2019.

Nora Slawik, Chair

Liz Sund, Recording Secretary